

REMARKS

By final Office Action mailed July 3, 2006, pending claims 1-10 and 12 stand rejected and claim 11 stands objected to, reconsideration of which is respectfully requested in view of the above amendments and following remarks. Claim 1 has been amended. Claim 11 has been cancelled. Claims 1-10 and 12 are now pending.

Claims 1-10 and 12 remain rejected under 35 U.S.C. §102(b) and §103(a) over Kosako et al. (U.S. Patent No. 6,977,234), Oh et al. (U.S. Patent Application Publication No. 2003/0108781) and Yoshida et al. (U.S. Patent Application Publication No. 2003/0091891). In response to Applicants arguments filed May 9, 2006, the Examiner submits that in view of the Merriam Webster's Collegiate Dictionary, the term "sinter" means "to become a coherent mass by heating without melting." Accordingly, the Examiner concludes that the hot pressing of Kosako, which occurs at 150°C, is considered as a sintering process. However, the Examiner indicated that claim 11 would be allowable if written in independent form (so as not to depend upon a rejected base claim) because "the prior art does not disclose or suggest the sintering of the anode catalyst layer is at a temperature between about 330°C and 420°C."

Although Applicants respectfully disagree with the Examiner's application of Kosako, Ok and Yoshida, in view of the Examiner's arguments and in order to expedite examination, Applicants have amended claim 1 to specify that "sintering of the catalyst layer is at a temperature between about 330°C and 420°C." Although Applicants have not incorporated all of the limitations of previously pending claim 11 into claim 1 – for example, Applicants have not amended claim 1 to specify that the sintered catalyst layer is the anode catalyst layer – Applicants have incorporated the elements of claim 11 relied upon by the Examiner – namely, the recited sintering temperature range. In view of the Examiner's finding that the prior art does not disclose such sintering temperatures, Applicants submit that the pending claims are now allowable.

Accordingly, allowance of claims 1-10 and 12 is respectfully requested. A good faith effort has been made to place this application in condition for allowance. However, should

any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at (206) 622-4900 to resolve the same. Furthermore, the Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

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